

ORDINANCE NO. 2020-02

**AN ORDINANCE OF THE CITY OF BELVEDERE
PROVIDING FOR THE TERMINATION OF THE MARIN TELECOMMUNICATIONS
AGENCY BY REPEALING THE TELECOMMUNICATIONS ORDINANCE CODIFIED
IN CHAPTER 13.12 OF THE BELVEDERE MUNICIPAL CODE**

THE CITY COUNCIL OF THE CITY OF BELVEDERE DOES ORDAIN AS FOLLOWS:

WHEREAS, in 1997, the City Council of Belvedere adopted Belvedere Municipal Code chapter 13.12 “Telecommunications” approving an Agreement of Formation of the Marin Telecommunications Agency (“MTA”), a California joint powers agency pursuant to the provisions of Title 1, Division 7, Chapter 5 of the Government Code (commencing with Section 6500).

WHEREAS, the current member agencies of the MTA are: the Cities of Belvedere, Mill Valley, and San Rafael, the Towns of Corte Madera, Fairfax, Ross, San Anselmo, Sausalito, and Tiburon, and the County of Marin (“MTA Member Agencies”).

WHEREAS, in 2006 the California Legislature approved and the Governor enacted the Digital Infrastructure and Video Competition Act of 2006 (“DIVCA”), creating a process for the issuance of franchises by the California Public Utilities Commission and superseding locally issued franchises.

WHEREAS, subsequent to the adoption of DIVCA and other changes to state and federal law further limiting the ability of local governments to regulate telecommunications facilities, the MTA no longer takes the active policy role that it did prior to the adoption of DIVCA.

WHEREAS, the MTA Member Agencies find it desirable to terminate the MTA and delegate its duties to the Marin General Services Agency (“MGSA”), a California joint powers authority that was formed on October 1, 2005, by the City of Belvedere, Town of Corte Madera, Town of Fairfax, City of Larkspur, City of Mill Valley, City of Novato, Town of Ross, Town of San Anselmo, City of San Rafael, City of Sausalito, Town of Tiburon, County of Marin, Bel Marin Keys Community Services District, and Marinwood Community Services District.

WHEREAS, Paragraph 13 of the Agreement of Formation of the MTA provides that the MTA may be terminated by the enactment of an ordinance in substantially identical form by the majority of the MTA Member Agencies specifying such termination, with each such ordinance being adopted within no more than ninety days of each other, and upon such action, the MTA will be deemed terminated.

WHEREAS, pursuant to the above mentioned agreement, the City desires to adopt an Ordinance terminating the Marin Telecommunications Agency (the “Ordinance”).

WHEREAS, this Ordinance is categorically exempt from the California Environmental Quality Act (“CEQA”) pursuant to the “common sense” exemption, CEQA Guideline section

15061, because it can be seen with certainty that there is no possibility of an adverse environmental effect.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF BELVEDERE DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and are hereby incorporated as findings by reference.

Section 2. Termination of MTA. Pursuant to Paragraph 13 of the Agreement of Formation, the City Council declares that this Ordinance is intended to serve to terminate the Agreement of Formation and the MTA.

Section 3. Repeal of Belvedere Municipal Code chapter 13.12 “Telecommunications”. Belvedere Municipal Code chapter 13.12 is hereby deleted in its entirety, effective as of the Operative Date. This Ordinance shall not affect the City’s consent to the termination of the Marin County Cable Rate Regulation Joint Powers Agency (“MCCRRJPA”) or the actual termination of MCCRRJPA, as provided for in the Municipal Code.

For purposes of this section, the “Operative Date” shall mean the later of the following two dates: (1) July 1, 2020; or (2) the date upon which a majority of the MTA Member Agencies has adopted a resolution authorizing the MGSA to collect franchise and PEG access fees and to exercise all powers and functions associated with DIVCA, as well as an ordinance of termination substantially identical in form pursuant to Paragraph 13 of the Agreement of Formation of the MTA and such ordinance of termination has become effective.

Section 4. Effective Date and Publication. This Ordinance shall be effective 30 days following its adoption by the City Council. A summary of this Ordinance shall, within fifteen (15) days after passage, be published in accordance with Government Code Section 36933, with the names of the Councilmembers voting for and against it.

INTRODUCED AT A PUBLIC HEARING on April 13, 2020, and adopted at a regular meeting of the Belvedere City Council on May 11, 2020, by the following vote:

AYES: Claire McAuliffe, Marty Winter, Bob McCaskill, James Campbell and Mayor Nancy Kemnitzer

NOES: None

ABSENT: None

ABSTAIN: None

APPROVED: Nancy Kemnitzer
Nancy Kemnitzer, Mayor

ATTEST: C Cook
Christina Cook, City Clerk